



California Regional Water Quality Control Board

Santa Ana Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

October 23, 2003

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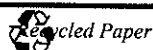
Jorge A. Leon, Esq.
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State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

RE: NOTICE OF HEARING IN THE MATTER OF THE ADMINISTRATIVE CIVIL LIABILITY COMPLAINT ("ACL COMPLAINT") NO. R8-2003-0096 ISSUED TO EMHART INDUSTRIES, INC.

A hearing is scheduled before the Regional Board for Friday, November 14, 2003, at 9:00 a.m. in the Loma Linda City Council Chambers on the ACL Complaint issued to Emhart Industries, Inc. ("Emhart"). The issues before the Board are (1) whether Emhart violated the Executive Officer's Order of October 23, 2002, issued pursuant to Water Code Section 13267; (2) whether an administrative civil liability assessment shall be imposed upon Emhart; and (3) the amount of the assessment, if any.

The Regional Board Staff ("Staff") and Emhart are the designated parties to this proceeding, pursuant to Title 23, CCR, Section 648.1(a). The order of proceeding for the hearing is: (1) Regional Board Staff; (2) Emhart; (3) other interested persons. At the hearing, the Staff will be given 60 minutes to make its presentation (including cross examination of other parties' witnesses and any necessary re-direct or closing statement). Emhart will be given 60 minutes to make its presentation (including cross examination of other parties' witnesses and any necessary re-direct or closing statement). Unused time may be reserved with the permission of the Chair. Oral comments from other interested persons will be limited to five minutes each.

California Environmental Protection Agency



DEADLINE: Pursuant to Title 23 CCR, Section 648.4, please observe the following deadline:

October 31, 2003, 5:00 p.m.: Staff and Emhart to provide the Executive Officer for transmittal to the Board a list of witnesses who will testify at the hearing and a copy of any exhibits, except financial information as provided below, that will be submitted for the hearing. Each party shall provide a copy of the witness list and exhibits to the other party. If Emhart intends to submit evidence related to its ability to pay the amount of civil liability proposed in the ACL Complaint, it shall provide the Executive Officer with such evidence by 5:00 p.m. on November 6. This evidence may consist of Emhart's Federal Income Tax Returns for the previous three years, audited financial statements for the previous three years, or similar evidence.

Failure to observe the above deadline may result in the proposed testimony or exhibit not being admitted by the Board into evidence. All documents submitted for the hearing, including those contained in the agenda package, will become part of the administrative record. The parties' submittals should be limited to a concise set of documents upon which each party intends to rely, including any written briefs and copies of key exhibits. Copies of exhibits known to be in the Regional Board's files need not be submitted if the party clearly references the document in its submittal. Although prior submittal of written testimony is not required, all parties are urged to make use of that provision in light of the time allotted for each presentation. Pursuant to Title 23, CCR, Section 648.4(d), any witness providing written testimony in advance of the hearing must appear at the hearing to affirm the written testimony and to be subject to cross examination.

Any questions regarding this Notice should be directed to Phil Wyels, Assistant Chief Counsel, at (916) 341-5178.

Sincerely,



Carole H. Beswick, Chair
Santa Ana Regional Water Quality Control Board

cc: Craig Moyer
Steve Elie
Senator Nell Soto
Gene Tanaka
Susan Trager